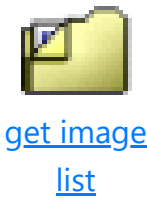


Water Right Summary



WR File Number:	SD 01749 97A	Subbasin:	RPDT	Cross Reference:
Primary Purpose:	IRR IRRIGATION			
Primary Status:	ADJ Adjudicated			
Total Acres:	0.400	Subfile:	3.11	Header:
Total Diversion:	1.104	Cause/Case:	07896 & 07939	
Owner:	JAMES YATES	Owner Class:	Owner	
Contact:	LARRY VAN EATON			

Documents on File

(acre)

Transaction Images	Trn #	Doc	File/Act	Status 1	Status 2	Transaction Desc.	From/To	Acres	Diversio
 _get images 690468		ORDER	2016-09-20	ADJ	PRC	MEMORANDUM OPINION AND ORDER	T	0.400	1.104
 _get images 690467		ORDER	2009-05-21	ADJ	PRC	ORDER APPLYING PRIORITY DATE	T	0.400	1.000
 _get images 690465		ORDER	2007-02-05	ADJ	PRC	ORDER ARROYO SECO SPRINGS	T	0.400	1.000
 _get images 720970		ORDAD	2005-03-14	ADJ	PRC	ORDER TO ADD SOURCE OF WATER	T	0.000	0.000
 _get images 785480		COWNP	2004-12-17	PMT	APR	SD-01749-97AA	F	0.860	2.150
 _get images 690457		COWNP	1987-07-30	PMT	APR	SD 01749 97A	T	1.260	3.150

Current Points of Diversion

POD Number	Well Tag	Source	Q64	Q16	Q4	Sec	Tws	Rng	X	Y	Map	Other Location Desc
SD 01749									451079.2	4041987.4		ACEQUIA MADRE DEL AR SECO
SD 01749 POD13									450909.6	4042369.3		
SD 01749 POD15									450668.0	4042148.2		AS2
SD 01749 POD2									452306.0	4040385.9		ACEQUIA MADRE DEL RIC LUCERO

* UTM location was derived from PLSS - see Help

Priority Summary

Priority	Status	Acres	Diversion	POD Number	Source
1815-12-31	ADJ	0.400	1.104	SD 01749	
				SD 01749 POD13	
				SD 01749 POD15	
				SD 01749 POD2	

Place of Use

Q256	Q64	Q16	Q4	Sec	Tws	Rng	Acres	Diversion	CU	Use	Priority	Status	Other Location Desc
							0.400	1.104		IRR	1815-12-31	ADJ	HS MAP 3, TR 11, THE ANTO MARTINEZ OR GODOI & ANTOINE LEROUX GRANTS



Source

Acres	Diversion	CU	Use	Priority	Source	Description
0.400	1.104		IRR	1815-12-31	SW	

The data is furnished by the NMOSE/ISC and is accepted by the recipient with the expressed understanding that the OSE/ISC make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the data.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

S-021

**STATE OF NEW MEXICO, *ex rel.*,
STATE ENGINEER, *et al.*,
Plaintiffs,
v.**

**EDUARDO ABEYTA, *et al.*,
And CELSO ABELLANO, *et. Al.*,**

Defendants.

**69cv07896 BB (ACE)
Rio Pueblo de Taos Adjudication**

**69cv7939 BB (ACE)
Rio Hondo Adjudication
(Consolidated)**

**Rio Pueblo de Taos Section
Acequia Madre del Rio Lucero
del Arroyo Seco Ditch System
Subfiles: See Document No. 4603**

**CONSENT ORDER ADDING ARROYO SECO SPRINGS AS SOURCES OF WATER,
CORRECTING HYDROGRAPHIC SURVEY, and AMENDING & SUPPLEMENTING
CONSENT ORDER filed March 14, 2005 (Doc. No. 4603)**

This Matter is before the Court on the June 10, 2005 Statement of Claim to the "Arroyo Seco Springs" (No. 4621) ("Statement of Claim") filed by:

ACEQUIA MADRE DEL RIO LUCERO DEL ARROYO SECO ACEQUIA ASSOCIATION

("Acequia Association").¹ The parties agree and the Court FINDS as follows:

1. The Court has jurisdiction over the State of New Mexico *ex rel.* State Engineer ("State") and the Acequia Association.
2. This Consent Order entirely resolves the Statement of Springs Claims filed by the Acequia Association.
3. The Parties agree that Exhibit 1 (including the "AS1, AS2, AS3, AS4-1 of 2, and AS4-2 of 2 Springs") to this Consent Order correctly depict all the "Arroyo Seco Springs" north of the Rio Lucero near the community of Arroyo Seco that are additional sources of water for the Acequia Madre del Rio Lucero del Arroyo Seco.

¹ As used herein, the "Acequia Association" refers to the governing entity of the Acequia; the physical ditch is referred to as the "Acequia Madre del Rio Lucero del Arroyo Seco".

T- 690465

4. As depicted on Exhibit 1 hereto, the Acequia Madre del Rio Lucero del Arroyo Seco receives water from the following "Arroyo Seco Springs" sources:

a. The "AS1 Spring", located at a point described in the New Mexico State Plane Coordinate System, Central Zone, NAD 1927 as X: 706,815.00 and Y: 2,009,145.00, situated east of a dirt road on Map 1, tract 15C. The waters from the "AS1 Spring" flow in a westerly direction and flow into the El Rito ditch at the "POD AS1", at a point described in the New Mexico State Plane Coordinate System, Central Zone, NAD 1927 as X: 706,311.00 and Y: 2,009,023.00.

b. The "AS2 Spring", located at a point described in the New Mexico State Plane Coordinate System, Central Zone, NAD 1927 as X: 706,175.00 and Y: 2,010,108.00, situated on Map 1, tract 14. The waters from the "AS2 Spring" flow westerly as shown on Map 1, tract 14 through a man-made ditch, and then are captured by natural drainage in a lateral of the Acequia Madre del Rio Lucero del Arroyo Seco at the "POD AS2", at a point described in the New Mexico State Plane Coordinate System, Central Zone, NAD 1927 as X: 705,544.00 and Y: 2,010,480.00.

c. The "AS3 Spring", located at a point described in the New Mexico State Plane Coordinate System, Central Zone, NAD 1927 as X: 705,493.00 and Y: 2,009,322.00, situated in Map 1, tract 70. The water from the "AS3 Spring" drains into El Rito ditch at the "POD AS3", at a point described in the New Mexico State Plane Coordinate System, Central Zone, NAD 1927 as X: 705,418.00 and Y: 2,009,291.00.

d. The "AS4-1 of 2 Spring", located at a point described in the New Mexico State Plane Coordinate System, Central Zone, NAD 1927 as X: 703,925.00 and Y: 2,008,949.00, arises within a two-spring area flowing into a pond which spills from the outlet into the Acequia de la Plaza at "POD AS4", a point described in the New Mexico State Plane Coordinate System,

Central Zone, NAD 1927 as X: 703,882.00 and Y: 2,008,932.00. The "AS4-2 of 2 Spring", located at a point described in the New Mexico State Plane Coordinate System, Central Zone, NAD 1927 as X: 703,954.00 and Y: 2,008,820.00, is the second spring that arises within the two spring area flowing into a pond which spills from the outlet into the Acequia de la Plaza at the "POD AS4", at a point described in the New Mexico State Plane Coordinate System, Central Zone, NAD 1927 as X: 703,882.00 and Y: 2,008,932.00.

5. The Acequia Madre del Rio Lucero del Arroyo Seco diverts from multiple sources more fully described in the "Consent Order Correcting Subfile Orders to Add Source of Water, Recognizing Common Governance, and Correcting Hydrographic Survey", with Exhibits 1 thru 13 therein, (Document No. 4603), filed March 14, 2005, which is adopted herein by reference as though fully set forth, all of which is hereinafter referred to as the "First Consent Order".

6. "AS1, AS2, AS3, AS4-1 of 2, and AS4-2 of 2 Springs", as depicted on Exhibit 1 hereto, constitute additional sources of water for the Acequia Madre del Rio Lucero del Arroyo Seco. "AS1, AS2, AS3, AS4-1 of 2, and AS4-2 of 2 Springs" are not currently shown on the State's Rio Pueblo de Taos Hydrographic Survey, Map Sheet 1 and should be added to the State's Rio Pueblo de Taos Hydrographic Survey, Map Sheet 1 and to the "First Consent Order".

7. The Acequia Association diverts water from these additional sources identified herein for the benefit of all its *parciantes*.

8. The "First Consent Order" identifies all the subfile orders associated with the Acequia Madre del Rio Lucero del Arroyo Seco, which are referred to hereinafter as "Subfile Orders". The Subfile Orders do not identify the additional sources of water for the Acequia Madre del Rio Lucero del Arroyo Seco identified in paragraphs 4(a), (b), (c) and (d), but instead identify other multiple sources of water as the only sources. The purpose of this Consent Order,

therefore, is to correct and supplement the description of the surface water points of diversion in the "First Consent Order" and the Subfile Orders to include the additional sources identified herein.

9. This Consent Order constitutes a "clerical correction" within the meaning of the June 7, 1995, Order on Procedures for Correcting and Amending Subfile Orders (No. 2337) ("Administrative Order").

10. There is no just reason to delay entry of this Consent Order as a supplemental final judgment, as between the State and the Acequia Association.

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDICATED that:

a. The Acequia Madre del Rio Lucero del Arroyo Seco diverts from multiple sources of water as more fully described in the "First Consent Order"(Document No. 4603), adopted by reference herein as though fully set forth.

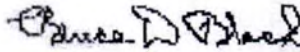
b. The springs identified herein constitute additional sources of water for the Acequia Madre del Rio Lucero del Arroyo Seco as set forth in paragraphs 4(a), (b), (c) and (d) above and as depicted on Exhibit 1 of this Consent Order.

c. The description of the Acequia Madre del Rio Lucero del Arroyo Seco points of diversion stated in the "First Consent Order" and the Subfile Orders shall be and hereby is corrected and supplemented to include the additional sources of water and information described herein. This Consent Order and the "First Consent Order" contain a complete description of the Acequia Madre del Rio Lucero del Arroyo Seco's sources of water and points of diversion with the exception of the Acequia's "El Aguita Spring" claim, which will be handled in a separate order.

d. Map 1 of the State's Rio Pueblo de Taos Hydrographic Survey shall be and hereby is corrected as shown on Exhibit 1.

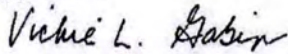
e. Pursuant to the Administrative Order, notice of the corrections made by this Consent Order shall be provided to all parties within the proposed partial final decree.

f. This Consent Order shall constitute a supplemental final judgment as between the State and the Acequia Association, including its successors, representatives, and assigns. All other parties with standing shall be provided an opportunity to object to this Consent Order prior to entry of a final decree.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved:

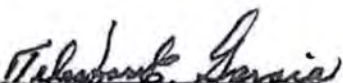


VICKIE L. GABIN
SPECIAL MASTER

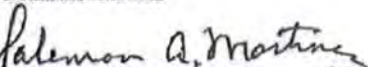
APPROVED AND ACCEPTED BY:

DEFENDANT:

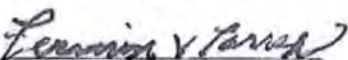
ACEQUIA MADRE DEL RIO LUCERO DEL ARROYO SECO ASSOCIATION

By: 
Commissioner

Date: 1-2-07

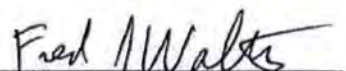
By: 
Commissioner

Date: 01-03-07

By: 
Commissioner

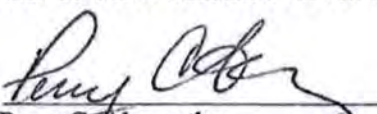
Date: 12-27-06

Fred J. Waltz, Esq., attorney for the Acequia Madre del Rio Lucero del Arroyo Seco.

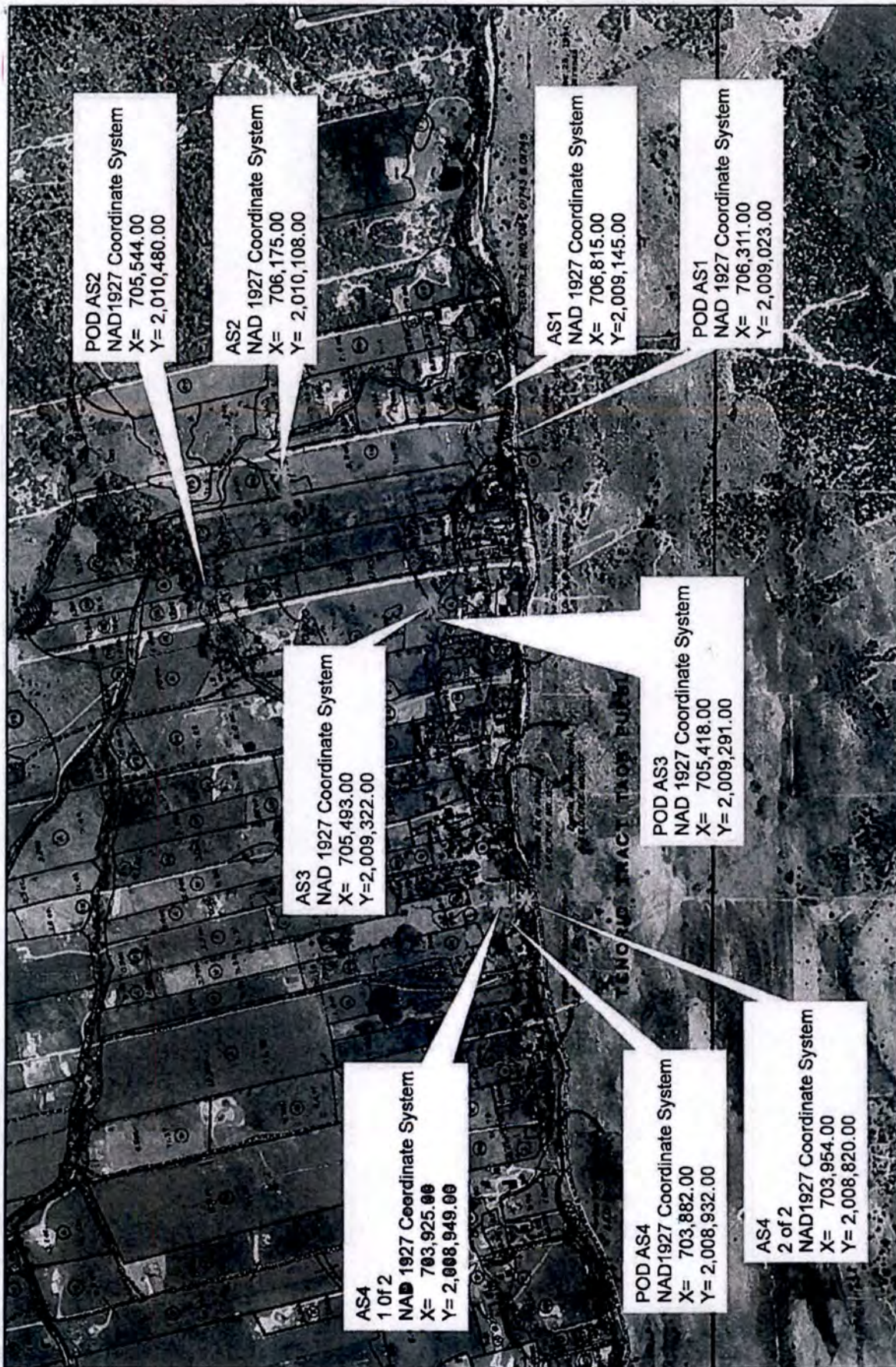

(Signature)

Date: Jan 4, 2007

STATE OF NEW MEXICO *ex rel.* STATE ENGINEER:

By: 
Perry C. Abernethy
Special Assistant Attorney General

Date: 01-05-2007



	Map 1 S-022 Arroyo Seco Springs AMENDED December 4, 2006
STATE OF NEW MEXICO Office of the State Engineer John R. D'Antonio, Jr., P.E., State Engineer Rio Pueblo de Taos & Rio Hondo Hydrographic Survey RIO PUEBLO DE TAOS SECTION	LEGEND - Spring - Point of Diversion - Drainage Course - Operable Ditch Scale 1"= 700' 0 350 700 Feet N

IMPORTANT – READ INSTRUCTIONS BEFORE FILLING OUT THIS FORM

CHANGE OF OWNERSHIP OF WATER RIGHT

- Name Ann Crombie
Mailing Address Box 296
City and State Arroyo Seco, N.M. 87514

- | | | | | | |
|-------|-------------------|----------|-----|--------------|--|
| | 6 | 26N | 13E | 1.1 ac. | |
| | Rio Pueblo de los | Sheet 3 | | 0.5 | |
| | Southern Piece | of tract | 11 | 0.4 | |
| | | | | 0.1 | |
| | | | | 0.1 | |
| | | | | <u>0.2</u> | |
| | | | | 1.1 ac total | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| TOTAL | | | | 1.1 ac. | |
- Per Annum)

STATE ENGINEER'S OFFICE
SANTA FE, NEW MEXICO

87 JUL 30 AM : 09

- x Amy Crombie

INSTRUCTIONS

FOR STATE ENGINEER USE ONLY

T-690457 SF 3.11

5-17-74
11:45 AM
35300

WARRANTY DEED (Joint Tenants)

DESIDERIO FLORES, a single person

to ELIZARDO D. FLORES, for consideration paid, grant
and LUCILLE FABIOLA FLORES, his wife
as joint tenants the following described real estate in Taos County, New Mexico:

A certain parcel of land situated in Arroyo Seco, New Mexico, in School District No. 8-5 and being further described as:

Part of Tract 63, Map 42, Survey 4, of the 1941 Taos County Reassessment Survey.

Together with all improvements situated thereon and with all rights pertaining to said property, containing 1.50 acres, more or less.

07 OCT 21 P2 12

STATE OF NEW MEXICO }
COUNTY OF TAOS }

This instrument was filed for record on the 17 day of May A.D. 1974 at 11:45 O'Clock A.M. And duly recorded in Book 11-133 Page 128. Recorded 5-24-74



C. C. & Lina M. Rodriguez
County Clerk

By *Lisa Romero* Deputy

with warranty covenants

WITNESS my hand and seal this 17th day of May, 1974

(Seal) *Desiderio Flores* (Seal)
(Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS



This instrument was acknowledged before me this 17th day of May, 1974, by Desiderio Flores (Name or Names of Person or Persons Acknowledging)
L. C. Gonzalez
Notary Public

FOR RECORDER'S USE ONLY

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF

The foregoing instrument was acknowledged before me this day of 1974 by (Name of Officer) (Title of Officer) of (Name of Corporation Acknowledging) a (State of Incorporation) corporation, on behalf of said corporation.
My commission expires. Notary Public

Gilio Sanchez
1716 Shirley N.E.
Albuquerque, N.M. 87112

86271
2-1-74
11.20 AM

STATE ENGINEER OFFICE
SANTA FE, NEW MEXICO

10 OCT 21 P2:12

WARRANTY DEED

ELIZARDO FLORES and LUCILLE FABIOLA FLORES, his wife for consideration paid,
grant to GILIO SANCHEZ and LAURI A. SANCHEZ, his wife the following described
real estate in Taos County, New Mexico:

Real Estate being situate in Sch. Dist. #8-5 Arroyo Seco, New Mexico

Being described as Pt. of Tract 63 Map 42 Sur. 4
containing .97 acres more or less.
Bounded and measuring as follows:
On the North: Serafin Flores measuring 215 feet;
On the South: Elizardo Flores measuring 164 feet;
On the East: Georgia Hutton measuring 236 feet;
On the West: Road measuring 215 feet.

Together with right of egress and ingress and all water rights pertaining
thereto, also to ditch rights from the Rio Lucero Creek.

Reference to Warranty Deed recorded in Book A-133, page 128 of the Records
of the Taos County Clerk.

with warranty covenants.

WITNESS our hands and seals this 1st day of July, 1974.

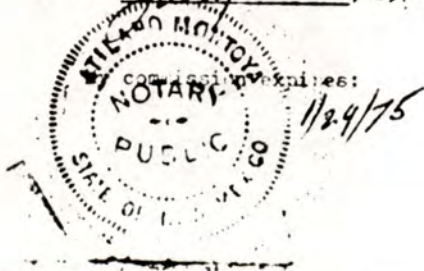
Elizardo Flores (Seal)

Lucille Flores (Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO)
COUNTY OF TAOS) SS

The foregoing instrument was acknowledged before me this 1st day
of July, 1974, by Elizardo Flores and Lucille Fabiola Flores.



Milton Montoya
Notary Public
State of New Mexico

STATE OF NEW MEXICO)
COUNTY OF TAOS)

This instrument was filed for record on
the 1 day of July, A.D. 19 74
at 11:20 O'Clock A.M. and duly recorded in
Book A-133 Page 421. Recorded 7-5-74

Carolina M. Rodriguez
County Clerk

By: Lisa Ramera, Deputy



7508-32-225A

WARRANTY DEED

#107518

10:10

12-12-85

STCO

LAURI A. SANCHEZ, single

_____, for consideration paid, grants
to ANN CROMBIE, single

whose address is P.O. Box 1203
Taos, New Mexico 87571

the following described real estate in Taos County, New Mexico:

A certain tract of land near Arroyo Seco, Taos County, New Mexico; within the Antonio Martinez Grant; located within the NE 1/4 of projected Section 6, Township 26 North, Range 13 East, NMPM; described as part of Tract 63, Map 42, Survey 4 of the 1941 Taos County Reassessment Survey; and more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 in. rebar set for the SE corner of this tract, from whence triangulation station "Antonio", a 1973 SEO brass cap monument found, bears N 81° 47' E, 5515.8 ft. distant, thence;

S 75° 13' W, 163.8 ft. to a point, thence;
S 76° 09' W, 58.9 ft. to a 1/2 in. rebar set for the SW corner, thence;
N 14° 29' W, 63.8 ft. to a 1/2 in. rebar set, thence;
N 10° 03' W, 147.8 ft. to a 1/2 in. rebar set for the NW corner, thence;
N 70° 37' E, 117.1 ft. to a 1/2 in. rebar set, thence;
N 67° 54' E, 111.3 ft. to a 1/2 in. rebar set for the NE corner, thence;
S 10° 40' E, 236.2 ft. to the POINT AND PLACE OF BEGINNING.

This tract contains 1.152 acres, more or less, as shown on a survey plat entitled "Ann Crombie", RGSS no. R2921, by Joel K. Schantz, NMLS no. 7000, dated 04/04/85.

SUBJECT TO: patent reservations and easements of record,
with warranty covenants.

WITNESS my hand and seal this 11th day of December, 1985.

(Seal)

Lauri A. Sanchez
LAURI A. SANCHEZ

(Seal)

(Seal)

(Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

COUNTY OF ARIZONA

ss.

The foregoing instrument was acknowledged before me this 11th day of December, 1985,
by Lauri A. Sanchez

(Name or Names of Person or Persons Acknowledging)

My commission expires:
(Seal) 4/2/86

Notary Public

FOR RECORDER'S USE ONLY

COUNTY OF TAOS)SS
STATE OF NEW MEXICO)

I hereby certify that this instrument was filed
for record on the 12 day of Dec. A.D.
1985 at 10:10 o'clock A.M.
and was duly recorded in book A-11
page 265 of the records of Taos County.

Witness my Hand and Seal of Office
BEATRICE SILVA
County Clerk, Taos County, N.M.

Deputy

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF

ss.

The foregoing instrument was acknowledged before me this
day of _____, 19____,
by _____

(Name of Officer)

(Title of Officer) of _____
(Name of Corporation Acknowledging)
a _____ corporation, on behalf of said corporation.

(State of Incorporation)
My commission expires:

(Seal)

Notary Public

WARRANTY DEED

Elizardo D. Flores and Lucille Fabiola Flores, his wife
for consideration paid, grant
to Ann Crombie, a single person
P.O. Box 1203, Taos, New Mexico 87571
the following described real estate in Taos County, New Mexico:

A certain tract of land near Arroyo Seco, Taos County, New Mexico, within the Antonio Martinez or Godoi Grant, and located within the northeast 1/4 of Projected Section 6, Township 26 North, Range 13 East, New Mexico Principal Meridian, described as part of Tract 63, Map 42, Survey 4 of the 1941 Taos County Reassessment Survey, and more particularly described by metes and bounds as follows:
BEGINNING at a 1/2 inch rebar set for the northeast corner of this tract, from whence Triangulation Station "Antonio", a 1973 State Engineer Office brass cap monument found, bears N. 81° 47' E., 5515.8 feet distant, thence;
S. 11° 15' E., 173.2 feet to a 1/2 inch rebar set for the southeast corner, thence;
S. 89° 58' W., 57.3 feet to a 1/2 inch rebar found, thence;
N. 89° 20' W., 153.4 feet to a 1/2 inch rebar found for the southwest corner, thence;
N. 18° 59' W., 118.8 feet to a 1/2 inch rebar set for the northwest corner, thence;
N. 76° 09' E., 58.9 feet to a point, thence;
N. 75° 13' E., 163.8 feet to the point and place of beginning.

This tract contains 0.712 acres, more or less., all according to survey plat prepared by James D. Cowl, No. 75-569.

Together with all improvements situated thereon, and all rights of egress and ingress and all other rights pertaining thereto.

with warranty covenants.

WITNESS our hand S and seal S this 18th day of September, 1975

Elizardo D Flores (Seal) (Seal)

Lucille Fabiola Flores (Seal) (Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

COUNTY OF TAOS

ss.

The foregoing instrument was acknowledged before me this day of September, 1975

by Elizardo D Flores and Lucille Fabiola Flores, his wife.

(Name of Names of Person or Persons Acknowledging)

My commission expires: 7/31/1978

Notary Public

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF

ss.

The foregoing instrument was acknowledged before me this day of, 19

by (Name of Officer)

(Title of Officer) of (Name of Corporation Acknowledging)

(State of Incorporation)

corporation, on behalf of said corporation.

My commission expires:

Notary Public

FOR RECORDER'S USE ONLY
STATE OF NEW MEXICO }
COUNTY OF TAOS } ss

This instrument was filed for record on the 25th day of Sept. A.D. 1975 at 3:51 o'clock P.M. and duly recorded in book A-137

Page 651; Rev. 9-26-75

County Clerk & Recorder

By Rebecca Gurdorf Deputy



STATE OF NEW MEXICO

STATE ENGINEER OFFICE
SANTA FE

S. E. REYNOLDS
STATE ENGINEER

BATAAN MEMORIAL BUILDING
STATE CAPITOL
SANTA FE, NEW MEXICO 87503

November 10, 1987

File No. 01749

Ms. Ann Crombie
Post Office Box 296
Arroyo Seco, New Mexico 87514

Dear Ms. Crombie:

Enclosed is a copy of the Change of Ownership of Water Right you submitted to this office for filing in the above captioned water right file. A change of ownership is accepted for filing without an opinion being expressed as to the validity or extent of water right claimed since no application is pending in this office that requires such an opinion.

Sincerely,

S. E. Reynolds
State Engineer

By:
G. C. Shaw
Engineer Tech III
Water Rights Division

GCS:rav

Enclosure

Oct. 18, 1987

Frank Craig
State Engineer Office
Santa Fe, N.M. 87503

Dear Mr. Craig,

I am enclosing 3 warranty deeds
regarding the land I acquired from the
Flores' and Sanchez'. I hope this
will provide the information you need
to complete change of ownership
to my name. Thank you.

Sincerely

Ann Crombie

Box 286

Arroyo Seco, N. M. 87514

STATE ENGINEER OFFICE
SANTA FE, NEW MEXICO

07 OCT 21 P2:12



STATE OF NEW MEXICO

STATE ENGINEER OFFICE

SANTA FE

S. E. REYNOLDS
STATE ENGINEER

August 31, 1987

BATAAN MEMORIAL BUILDING
STATE CAPITOL
SANTA FE NEW MEXICO 87503

File No. 01749-A

Ms. Ann Crombie
Box 296
Arroyo Seco, New Mexico 87514

Dear Ms. Crombie:

I am in receipt of your letter of August 24, 1987. Apparently my letter of August 14, 1987 was unclear. The State Engineer Office files show that Desiderio Flores was adjudicated a total of 2.9 acres of irrigated land. The deed from Elizardo D. Flores and Lucille Flores, which you submitted, show that you acquired a total of 0.712 acres of land. The second deed, from Lauri A. Sanchez, which you submitted shows that you have acquired 1.152 acres of land. The State Engineer Office files do not reflect Lauri A. Sanchez as owning any rights. To correct this situation, you must submit a Change of Ownership from Desiderio Flores to Lauri A. Sanchez, and then a Change of Ownership from Lauri A. Sanchez to Ann Crombie.

If further explanation of this matter is necessary, please call me at 827-6120.

Sincerely,

S. E. Reynolds
State Engineer

By:

Frank Craig
Frank Craig
Water Rights Division

FC:rav

August 24, 1987

Mr. Frank Craig
Water Rights Division
Santa Fe, N. M. 87503

87 AUG 27 P1:05

STATE ENGINEER'S OFFICE
SANTA FE, NEW MEXICO

Dear Mr. Craig,

Thank you for your letter dated Aug. 14. The land I acquired from the son of Desiderio Flores was 0.712 acres. The second piece of land adjoining it, which I acquired from Laurie Sanchez was 1.152 acres. Her husband had acquired it from the son of Desiderio Flores. At one time, it was all one piece, then subdivided by the son of Desiderio Flores. By using your state maps Larry Vigil calculated that there were 1.1 acres of irrigated land on the combined 0.712 A. and 1.152 A., which I now own and have title to.

I hope this clears up the matter and will clear the way to Change of Ownership.

Sincerely,

Ann Crombie

Box 296

Arroyo Seco, N. M. 87514



STATE OF NEW MEXICO
STATE ENGINEER OFFICE
SANTA FE

S. E. REYNOLDS
STATE ENGINEER

August 14, 1987

BATAAN MEMORIAL BUILDING
STATE CAPITOL
SANTA FE, NEW MEXICO 87503

File No. 01749-A

Ms. Ann Crombie
Box 296
Arroyo Seco, New Mexico 87514

Dear Ms. Crombie:

We are in receipt of your Change of Ownership which you filed. However, there are some matters to be cleared up before we process it. The Change of Ownership which you submitted states that you have acquired a total of 1.1 acre of irrigated land from the son of Desiderio Flores. However, in reviewing the deed, it states that you have a total of 0.712 acres. There seems to be a discrepancy in the acreage. Your Change of Ownership will not be processed until this matter has been cleared up.

If you have any questions regarding this matter, please feel free to call.

Sincerely,

S. E. Reynolds
State Engineer

By:

Frank Craig
Frank Craig
Water Rights Division

FC:rav

July 25, 1987

Dear Mr. Craig,

I am trying to put my water rights in my name. Larry Vigil told me to send the enclosed papers to you. He has my maps and will be forwarding them to you. If there is anything else I need to do, please notify me. Thank you.

Sincerely,

Ann Crombie

Box 296

Arroyo Seco, N.M. 87514

(505) 776-8113

87 JUL 30 AM: 10

STATE LANDS OFFICE
SANTA FE, NEW MEXICO

STATE ENGINEER OFFICE/INTERSTATE STREAM COMMISSION
OFFICE FIELD RECEIPT NO. _____ DATE 7/31/87 FILE NO. _____

Nº 447

TOTAL RECEIVED: \$ 2.00 RECEIVED: Two Dollars Only DOLLARS CHECK: #245 CASH: _____
FROM: Ann Crombie, Box 296, Arroyo Seco, NM 87514 BANK NAME: New Mexico Federal-Ranchos de Taos
RECEIVED BY: Rosabelle Valdez, Water Rights Division Office

INSTRUCTIONS: Indicate the number of actions to the left of the appropriate type of filing. Complete the receipt information. Original to payor; pink copy to MSD; yellow copy to Water Rights - Santa Fe, and goldendored copy for District file. If you make a mistake, void original and all copies and submit to MSD along with valid receipts and the weekly report.

A. Ground Water Rights Filing Fees(411840) D. Hearing Deposit (411890) \$ _____

- 1. Declaration of Water Right \$ 1.00
- 2. Application to Appropriate; Domestic, Stock, Other Use 1.00
- 3. Application for Test, Exploratory, or Observation Well 1.00
- 4. Application to Change Location Domestic Well 1.00
- 5. Application to Repair or Deepen 1.00
- 6. Application to Dewater 1.00
- 7. Change of Ownership 1.00
- 8. Application to Appropriate Irrig., Mun., Ind., or Com Use 5.00
- 9. Application to Combine Wells and/or Use 5.00
- 10. Application for Supplemental Well 5.00
- 11. Application to Change Location of Non-72-12-1 Well 5.00
- 12. Application to Change Place 5.00
- 13. Application to Change Location of Well and Place and/or Purpose of Use 5.00
- 14. Application for Extension of Time (Specify: _____) 5.00
- 15. Certificate and License (\$5.00 for each permit therein) (VAR)
- 16. Application for Plan of Replacement 10.00
- 17. Other (As per Art. 6-2 of Rules and Regulations) Specify: _____

B. Surface Water Rights Filing Fees(411840) E. Reproduction of Documents (419740) 20¢/copy, limit 10 copies of each document. \$ _____

- 1. Declaration of Water Right \$ 1.00
- 2. Change of Ownership ~~1.00~~ 2.00
- 3. Declaration of Livestock Dam 1.00
- 4. Application to Change Point of Diversion 5.00
- 5. Application to Change Place and/or Purpose of Use 5.00
- 6. Application to Change Point of Diversion and Place and/or Purpose of Use 10.00
- 7. Notice of Intent to Appro- priate 10.00
- 8. Application to Appropriate 10.00
- 9. Application for Extension of Time 10.00
- 10. Certificate of Construction 5.00
- 11. License to Appropriate 5.00
- 12. Application to Enlarge or Amend 10.00
- 13. Other (As per 72-2-6.J NMSA 1978) (Specify: _____) (VAR)

COMMENTS: _____

C. Miscellaneous Fees(411840)

- 1. Application to Construct Flood Control Dam 10.00
- 2. Application for Well Driller's License 20.00
- 3. Application for Renewal of Well Driller's License 10.00
- 4. Application to Amend Well Driller's License 5.00
- 5. Issue of Certified Letter 5.00
- 6. Review of Plans for Safety of Dams (\$10.00 + \$1.00/\$1,000 of estimated construction cost) (VAR)

July 21, 1987

MEMORANDUM

State Engineer Office
Santa Fe, New Mexico

TO: FRANK CRAIG, WATER RIGHTS DIVISION
FROM: LARRY H. VIGIL, HYDROGRAPHIC SURVEY SECTION
SUBJECT: ANN CROMBIE, RIO PUEBLO DE TAOS

Frank, this memo is supplemental to the memo dated May 4, 1987.

After I referred Ms. Crombie to you, she attempted to reach me at the office on June 8, 1987. We were not able to meet that day and we met again July 20, 1987. I explained to her that I sent her forms in the mail last fall and she told me that she changed her address. Also, I attempted to call her after June 8 and she informed me that she had been back East.

We were finally able to get the facts on her land and water rights ownership. I found her property to be part of Tract 11 on Mapsheet 3, Rio Pueblo de Taos Hydrographic Survey. I am enclosing a copy of Mapsheet 3, with her land highlighted, also I am enclosing the copies of her survey plats for your information. Ms. Crombie's property is the southern portion of said Tract 11 formerly listed under the ownership of Desiderio Flores who is now deceased. I helped Ms. Crombie fill out the change of ownership form as per our phone conversation yesterday and informed her as to what to include in her letter to you, such as the \$3 fee and copies of her "titles" to her land.

I believe that I have included all the information you will need. If you need any further assistance, let me know.

LHV:dp

cc: Edward Ytuarte

May 4, 1987

MEMORANDUM

State Engineer Office
Santa Fe, New Mexico

TO: FRANK CRAIG, WATER RIGHTS DIVISION
FROM: LARRY H. VIGIL, WATER RESOURCE SPECIALIST
SUBJECT: ANN CROMBIE, RIO PUEBLO DE TAOS

Frank, this memo is to inform you that I am referring Ms. Crombie to you.

Ms. Crombie asked for assistance on changing the ownership of water rights to her name in July, 1986. She then mailed me these copies of survey plats. In September, I sent her Change of Ownership forms for her to sign and assign the correct tract numbers. I have not received these forms back. I suggest that possibly you send her some more forms to complete because I do not recall tract numbers, and I did not write them down.

Thanks for your cooperation.

LHV:dp

Attachments

cc: Sherry Tippet
Edward Ytuarte
Karen McAda

To Larry
Date 6-8 Time 1:10

WHILE YOU WERE OUT

M. Ann Crombie
of Arroyo Seco

Phone 476-8113
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL ☐			

Message stopped by
to see you. Has
two pieces of
property which have
water rights. Want
to make sure they
are under her

Operator
AMPAD EFFICIENCY®
23-020

Rio Grande Survey Service
Box 6351 Taos, New Mexico 87571
(505) 758-2901

Client: Ann Crombie
Job no.: R2921
Date: April 11, 1985

PROPERTY DESCRIPTION

A certain tract of land near Arroyo Seco, Taos County, New Mexico; within the Antonio Martinez Grant; located within the NE 1/4 of projected Section 6, Township 26 North, Range 13 East, NMPM; described as part of Tract 63, Map 42, Survey 4 of the 1941 Taos County Reassessment Survey; and more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 in. rebar set for the SE corner of this tract, from whence triangulation station "Antonio", a 1973 SEO brass cap monument found, bears N 81° 47' E, 5515.8 ft. distant, thence;

S 75° 13' W, 163.8 ft. to a point, thence;
S 76° 09' W, 58.9 ft. to a 1/2 in. rebar set for the SW corner, thence;
N 14° 29' W, 63.8 ft. to a 1/2 in. rebar set, thence;
N 10° 03' W, 147.8 ft. to a 1/2 in. rebar set for the NW corner, thence;
N 70° 37' E, 117.1 ft. to a 1/2 in. rebar set, thence;
N 67° 54' E, 111.3 ft. to a 1/2 in. rebar set for the NE corner, thence;
S 10° 40' E, 236.2 ft. to the POINT AND PLACE OF BEGINNING.

This tract contains 1.152 acres, more or less, as shown on a survey plat entitled "Ann Crombie", RGSS no. R2921, by Joel K. Schantz, NMLS no. 7000, dated 04/04/85.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
at Santa Fe, NM

MAR 14 2005

MATTHEW J. DYKMAN
CLERK

STATE OF NEW MEXICO, *ex rel.*
STATE ENGINEER, *et al.*,

Plaintiffs,

v.

EDUARDO ABEYTA, *et al.*,
and CELSO ARELLANO, *et al.*,

Defendants.

69cv07896 BB (ACE)
Rio Pueblo de Taos Adjudication

69cv7939 BB (ACE)
Rio Hondo Adjudication
(Consolidated)

Rio Pueblo Section
Acequia Madre del Rio Lucero
del Arroyo Seco Ditch System

CONSENT ORDER
CORRECTING SUBFILE ORDERS TO ADD SOURCE OF WATER,
RECOGNIZING COMMON GOVERNANCE,
AND
CORRECTING HYDROGRAPHIC SURVEY

This Matter is before the Court on the January 17, 2002, Motion to Correct Hydrographic Survey (No. 2965) ("Motion") filed by:

ACEQUIA MADRE DEL RIO LUCERO DEL ARROYO SECO

("Acequia Association"). The parties agree, and the Court FINDS, as follows:

1. The Court has jurisdiction over the State of New Mexico *ex rel.* State Engineer ("State") and the Acequia Association.
2. This Consent Order resolves all remaining claims of the Acequia Association raised by the Motion. This Consent Order does not resolve the Acequia Association's "springs claims".
3. As used herein, "Acequia Madre Ditch" refers to the physical ditch identified on the Rio Pueblo de Taos ("Pueblo") hydrographic survey as the Acequia Madre del Rio Lucero del Arroyo Seco; and "Temporales Ditch" herein refers to the physical ditch identified on the Pueblo Survey as the Temporales Ditch.

4. The Acequia Association is the legal entity that governs and operates a complex system of ditches or laterals ("**Acequia Madre Ditch System**"). The Acequia Association governs and operates the eleven ditches or laterals—the Acequia Madre Ditch, the Temporales Ditch, the Elizardo Pacheco Ditch, Juan C. Márquez Ditch, Eraclio Martínez Ditch, Acequia de la Plaza, Toribio Martínez Ditch, the El Rito Ditch, the Torreon Ditch, the Los Alamitos Ditch, and the Espinaso Ditch. The sources of water, points of diversion, and "take outs" of the Acequia Madre Ditch System are described on **Exhibit 1** hereto.

5. The Acequia Association allocates water throughout the Acequia Madre Ditch System so that all tracts served by the Acequia System may benefit from the System's multiple sources of water.

6. The Pueblo hydrographic survey should be amended as shown on the attached Exhibit 2. As depicted on Exhibit 2, the following changes should be made to the survey: (a) the Temporales Ditch should be realigned slightly; (b) the common point of diversion ("POD") from the El Salto del Agua ("**El Salto**") into the Acequia Madre Ditch and Temporales Ditch should be noted; and (c) the diversion channel that carries water from the El Salto POD to the Acequia Madre Ditch should be noted. Water from the El Salto can be directed either to the Acequia Madre Ditch or to the Temporales Ditch at the common POD.

7. The El Salto drainage is a surface watercourse that constitutes an additional source of water for the Acequia Madre Ditch System.

8. The changes made by this Consent Order constitute "clerical corrections" within the meaning of the June 7, 1995, Order on Procedures for Correcting and Amending Subfile Orders (No. 2337) ("Administrative Order").

9. There is no just reason to delay entry of this Consent Order as a final judgment, as between the State and the Acequia Association.

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDICATED that:

a. The El Salto del Agua is a surface watercourse, depicted on Exhibit 2 to this Consent Order, and an additional source of water for the Acequia Madre Ditch System.

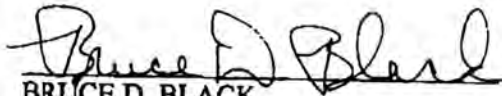
b. The El Salto del Agua is tributary of the Arroyo Seco, which is tributary to the Rio Pueblo de Taos.

c. The description of the point(s) of diversion set forth in the subfile orders identified on Exhibit 3 (Acequia Madre), Exhibit 4 (Temporales), Exhibit 5 (Elizardo Pacheco), Exhibit 6 (Juan C. Marquez), Exhibit 7 (Eraclio Martinez), Exhibit 8 (Acequia de la Plaza), Exhibit 9 (Toribio Martinez), Exhibit 10 (El Rito), Exhibit 11 (Torreon), Exhibit 12 (Los Alamos), and Exhibit 13 (Espinazo) SHALL BE CORRECTED by replacing such descriptions entirely with the description set out on Exhibit 1 to this Order.

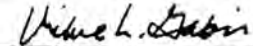
d. The hydrographic survey shall be and hereby is amended as shown on Exhibit 2 to this Consent Order and described in paragraph 6 above.

e. Pursuant to the Administrative Order, notice of the corrections made by this Consent Order shall be provided to all parties within the proposed partial final decree.

h. This Consent Order shall constitute a final judgment as between the State and the Acequia Association, including its successors, representatives, and assigns. All other parties with standing shall be provided an opportunity to object to this Consent Order prior to entry of a final decree.


BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

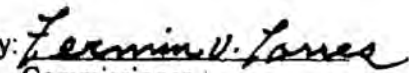
Approved:


VICKIE L. GABIN
SPECIAL MASTER

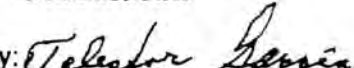
APPROVED AND ACCEPTED BY:

DEFENDANT:

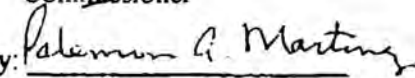
ACEQUIA MADRE DEL RIO LUCERO DEL ARROYO SECO ASSOCIATION

By: 
Commissioner

Date: 1-6-05

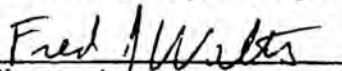
By: 
Commissioner

Date: 2-13-05

By: 
Commissioner

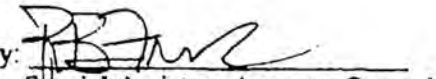
Date: 2-22-05

Fred J. Waltz, Esq., attorney for the Acequia Madre del Rio Lucero del Arroyo Seco Association.


(Signature)

Date: 2-28-05

STATE OF NEW MEXICO *ex rel.* STATE ENGINEER:

By: 
Special Assistant Attorney General

Date: 2/28/05

Exhibit 1:
Acequia Madre del Rio Lucero del Arroyo Seco Ditch System

Acequia Madre del Rio Lucero del Arroyo Seco Ditch System ("Acequia Madre Ditch System") consists of eleven ditches or laterals—the Acequia Madre Ditch, the Temporales Ditch, the Elizardo Pacheco Ditch, Juan C. Marquez Ditch, Eraclio Martinez Ditch, Acequia de la Plaza, Toribio Martinez Ditch, the El Rito Ditch, the Torreon Ditch, the Los Alamos Ditch, and the Espinazo Ditch. The Acequia Association allocates water throughout the Acequia Madre Ditch System so that all tracts served by the Acequia System may benefit from the System's multiple sources of water.

The points of diversion or "take outs" for the ditches or laterals are described as follows:

1. Acequia Madre del Rio Lucero del Arroyo Seco: The Acequia Madre del Rio Lucero del Arroyo Seco diverts water from the Rio Lucero, the Arroyo Seco, and the El Salto de Agua, as follows:

a. Rio Lucero at a point described on the New Mexico State Plane Coordinate System, Central Zone, NAD 1927, as X: 709,580 and Y: 2,815,070.

b. Arroyo Seco---approximately 1.1 miles below its point of diversion from the Rio Lucero, the Acequia Madre del Rio Lucero del Arroyo Seco crosses and diverts water from the Arroyo Seco at a point described on the New Mexico State Plane Coordinate System, Central Zone, NAD 1927, as X: 706,900 and Y: 2,009,970.

c. El Salto de Agua--at a point described in the New Mexico State Plane Coordinate System, Central Zone, NAD 1927, at X: 706,327.19 and Y: 2,011,215.99.

2. Temporales Ditch: The Temporales Ditch diverts water from the Arroyo Seco and the El Salto de Agua, as follows:

a. Arroyo Seco--out of the north bank of the Arroyo Seco within the Antonio Martinez or Godoi Grant at a point described in the New Mexico State Plane Coordinate System, Central Zone, NAD 1927, at X=710,050 and Y=2,008,700.

b. El Salto de Agua at a point described in the New Mexico State Plane Coordinate System, Central Zone, NAD 1927, at X: 706,327.19 and Y: 2,011,215.99.

3. Elizardo Pacheco Ditch: The Elizardo Pacheco Ditch diverts out of the North bank of the Arroyo Seco in the Antonio Martinez or Godoi Grant. The position of this diversion on the New Mexico Coordinate System, Central Zone, is: X=703,140 and Y=2,008,700.

4. Juan C. Marquez Ditch: The Juan C. Marquez Ditch diverts out of the North bank of the Arroyo Seco in the Antonio Martinez or Godoi grant. The position of

this diversion on the New Mexico Coordinate System, Central Zone, is: X=705,210 and Y=2,008,990.

5. Eraclio Martinez Ditch: The Eraclio Martinez Ditch diverts out of the north bank of the Arroyo Seco located in the Antonio Martinez or Godoi Grant. The position of this diversion on the New Mexico Coordinate System, Central Zone, is: X=704,770 and Y=2,008,980.

6. Acequia de la Plaza: The Acequia de la Plaza diverts out of the north bank of the Arroyo Seco located in the Antonio Martinez or Godoi Grant. The position of this diversion on the New Mexico Coordinate System, Central Zone, is: X=704,600 and Y=2,008,950.

7. Toribio Martinez Ditch: The Toribio Martinez Ditch diverts out of the south bank of the Arroyo Seco in the Antonio Martinez or Godoi Grant. The position of this diversion on the New Mexico Coordinate System, Central Zone, is: X=702,600 and Y=2,008,610.

8. El Rito Ditch: The El Rito Ditch diverts out of the north bank of the Arroyo Seco located in the Antonio Martinez or Godoi grant. The position of this diversion on the New Mexico Coordinate System, Central Zone, is: X=706,340 and Y=2,008,970.

9. The Torreon Ditch—at approximately 0.7 miles below where the Acequia Madre ditch crosses the Arroyo Seco, the Torreon Ditch takes out water from the Acequia Madre del Rio Lucero del Arroyo Seco at a point described on the New Mexico State Plane Coordinate System, Central Zone, NAD 1927, as X: 704,830 and Y: 2,011,050.

10. Alamitos Ditch—at approximately 1.2 miles below where the Acequia Madre ditch crosses the Arroyo Seco, the Alamitos Ditch takes out water from the Acequia Madre del Rio Lucero del Arroyo Seco at a point described on the New Mexico State Plane Coordinate System, Central Zone, NAD 1927, as X: 702,250 and Y: 2,011,500.

11. Espinazo Ditch—at approximately 1.7 miles below where the Acequia Madre ditch crosses the Arroyo Seco, the Espinazo Ditch takes out water from the Acequia Madre del Rio Lucero del Arroyo Seco at a point described on the New Mexico State Plane Coordinate System, Central Zone, NAD 1927, as X: 700,020 and Y: 2,012,500.

Exhibit 3 -- Acequia Madre del Rio Lucero del Arroyo Seco Subfiles:

Subfile	Date	Docket Number
1.15	05/05/1975	752.030
1.15A	05/05/1975	752.032
1.15B	05/05/1975	752.034
1.15C	05/05/1975	752.036
1.16	01/07/2004	4366
1.17	09/02/1970	214.260
1.18	06/06/1972	345.089
1.19	06/06/1972	345.090
1.20	06/06/1972	345.091
1.21	06/06/1972	345.092
1.22	02/14/1974	460.004
1.23	09/02/1970	214.262
1.24	02/14/1974	460.001
1.25	09/02/1970	214.264
1.26	06/06/1972	345.093
1.27	02/14/1974	460.002
1.28	07/18/1975	778.016
1.29	06/06/1972	345.094
1.30	02/14/1974	460.003
1.31	09/02/1970	214.262
1.32	06/06/1972	345.095
1.33	09/02/1970	214.266
1.34	08/05/1974	552.010
1.35	05/05/1975	752.028
1.36	03/25/1977	958.016
1.37	09/17/1975	810.004
1.38	06/06/1972	345.097
1.38A	09/02/1970	214.270
1.38B	02/14/1974	460.006
1.38C	05/05/1975	752.026
1.38D	06/06/1972	345.099
1.39	09/02/1970	214.272
1.39A	02/23/2004	4423
1.39B	02/23/2004	4426
1.40	06/06/1972	345.092
1.41	09/02/1970	214.274

Original of Poor Quality

1.41A	09/02/1970	214.276
1.42	03/18/1974	464.003
1.43	05/05/1975	752.024
2.1	09/02/1970	214.278
2.10	09/02/1970	214.300
2.11	11/05/1970	224.058
2.12	09/02/1970	214.302
2.13	05/05/1975	752.022
2.14	11/05/1970	224.064
2.14A	11/05/1970	224.068
2.15	11/05/1970	224.062
2.16	06/06/1972	345.104
2.17	11/05/1970	224.066
2.18	08/10/1973	418.054
2.19	09/02/1970	214.282
2.2	04/19/1977	962
2.20	09/02/1970	214.304
2.20A	06/06/1972	345.105
2.21	09/02/1970	214.284
2.22	06/06/1972	345.106
2.22A	05/05/1975	752.020
2.23	09/02/1970	214.306
2.23A	03/25/1977	958.018
2.24	06/06/1972	345.107
2.25	06/06/1972	345.150
2.26	05/05/1975	752.018
2.27	03/18/1974	464.003
2.27A	05/05/1975	752.016
2.28	06/06/1972	345.108
2.29	10/22/1976	937.002
2.29A	05/25/1982	1397
2.29	02/24/1983	1399
2.29A	02/14/1974	460.007
2.2A	08/05/1974	552.008
2.3	09/02/1970	214.298
2.30	06/06/1972	345.110
2.30A	02/14/1974	460.008
2.30B	02/14/1974	460.009
2.31	06/06/1972	345.110

Original of Poor Quality

Subject
Water
Right
→

2.32	06/06/1973	410.002
2.32A	09/02/1970	214.286
2.32B	09/02/1970	214.288
2.5	09/02/1970	214.280
2.51	05/05/1975	752.014
2.6	06/06/1972	345.101
2.6A	09/13/1973	425.052
2.7	06/06/1972	345.102
2.8	11/05/1970	224.068
2.9	11/05/1970	224.068
3.10	09/02/1970	214.294
3.11	09/02/1970	214.296
3.12	06/06/1972	345.112
3.2	09/02/1970	214.290
3.3	02/14/1974	460.010
3.4	09/02/1970	214.298
3.5	09/13/1973	425.074
3.6	10/16/2001	2844
3.7	09/02/1970	214.292
3.8	06/06/1972	345.151
3.8A	12/04/2003	4335
3.8B	02/23/2004	4424
3.8C	02/23/2004	4425
3.9	08/10/1973	418.054

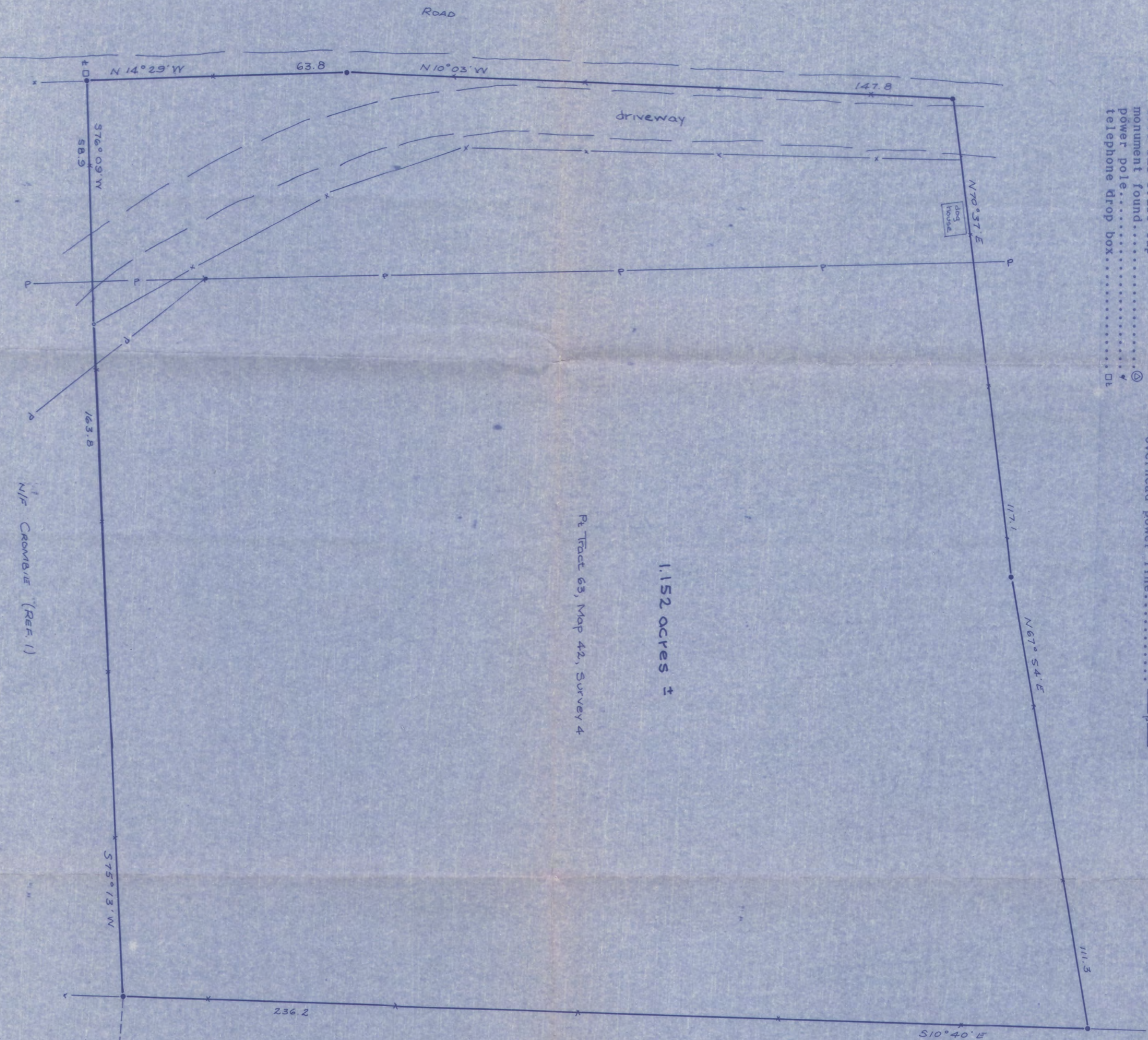
Original of Poor Quality

LEGEND

- 1/2 in. rebar set.....
- 1973 SEO brass cap.....
- monument found.....
- power pole.....
- telephone drop box.....

fence.....

overhead power line.....

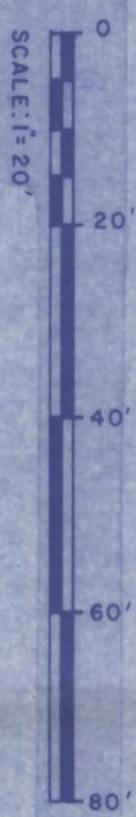


1.152 acres ±

Pt Tract 63, Map 42, Survey 4

BEARING BASE

Bearings of this survey are based on the 1973 SEO published bearing between triangulation stations "Antonio" and "Martinez".



REFERENCES

1. Survey plat entitled "Ann Crombie", RGS survey no. 75-569, by James D. Crowl, NMLS no. 5213, dated September 1975.

CERTIFICATE

I hereby certify to Ann Crombie that this plat is a representation of a survey made by me or under my supervision in the field on April 4, 1985 and conforms to the minimum requirements for the Standards for Land Surveys in New Mexico as adopted by the New Mexico State Board of Registration for Professional Engineers and Land Surveyors.

Joel K. Schantz, Land Surveyor, NMLS no. 7000.

STATE OF NEW MEXICO
COUNTY OF TAOS

This instrument was acknowledged before me this 15th day of April, 1985, by Joel K. Schantz, NMLS no. 7000.

Mary Jane Martinez
Notary Public
My commission expires 12/21/86.



Rio Grande
Surveying Service
Box 6351
Taos, New Mexico 87571
(505) 758-2901

ANN CROMBIE

Survey Plat for

location: near Arroyo Seco, Taos County, New Mexico
scale: 1" = 20' date: April 4, 1985 survey no.: R 2921

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO, *ex rel.*
State Engineer, *et al.*,

Plaintiffs,

v.

EDUARDO ABEYTA, *et al.*, and
CELSO ARELLANO, *et al.*,

Defendants.

69cv7896 MV/WPL
Rio Taos Adjudication

69cv7939 MV/WPL
Rio Hondo Adjudication

Consolidated

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on:

- (i) the Joint Motion to Adopt Uniform Irrigation Requirements, Doc. 5960 (“Joint Motion”);
- (ii) the Special Master’s Report and Recommendations Regarding Joint Motion to Adopt Uniform Irrigation Requirements, Doc. 5981 (“Special Master’s Report”);
- (ii) the Objections by the Estate of Jose Manuel Santistevan (“the Estate”), Paul Horvath, Holly Difani and Tarleton Ranches LLC, to the Special Master’s Report and Recommendations Regarding Joint Motion to Adopt Uniform Irrigation Requirements, Doc. 5983 (“Objections”); and
- (iv) the State’s Motion to Clarify Language Concerning Uniform Irrigation Requirements in Order Adopting Special Master’s Report and Recommendations, Doc. 5982 (“Motion to Clarify”).

For the reasons stated below, the Court will **OVERRULE** the Objections to the Special Master’s Report, **ADOPT** the Special Master’s Report, **GRANT** the Joint Motion to Adopt Uniform Irrigation Requirements, and **GRANT** the Motion to Clarify.

Joint Motion to Adopt Uniform Irrigation Requirements

Subfile orders have been entered for all non-Pueblo surface water irrigation rights with an amount of water “not to exceed 2.5 acre-feet per annum delivered at the farm head gate” based

on a State Engineer's report prepared in 1969. Joint Motion at 2. The Taos Settlement Agreement sets forth values for Consumptive Irrigation Requirement ("CIR"¹), Farm Delivery Requirement ("FDR"²), and Project Diversion Requirement ("PDR"³), and provides that prior to entry of a Partial Final Decree on the Pueblo's water rights, the Settlement Parties shall jointly move the Court to adopt those irrigation requirement values to be used for the adjudication of all Pueblo and non-Indian water rights in the Taos Valley Stream System. *See* Joint Motion at 3. The Joint Motion requests that the amount of water for surface water use in all previously entered subfile orders adjudicating non-Pueblo irrigation water rights be amended by substituting the existing language of "Not to exceed 2.5 acre-feet per annum delivered at the farm head gate" with:

- a. the Consumptive Irrigation Requirement (CIR) of one and thirty-eight hundredths (1.38) acre-feet per year per acre;
- b. the Farm Delivery Requirement (FDR) of two and seventy-six hundredths (2.76) acre-feet per year per acre (i.e., a 50% on-farm efficiency); and
- c. the Project Diversion Requirement (PDR) of three and ninety-four hundredths (3.94) acre-feet per year per acre (i.e., a 70% ditch efficiency), unless a different efficiency can be shown for a specific ditch on a case-by-case basis.

Joint Motion at 5.

¹ "CIR" means "the quantity of irrigation water, exclusive of effective rainfall, that is consumptively used by plants or is evaporated from the soil surface in a specific period of time. It may be calculated numerically by subtracting effective rainfall from consumptive use." Joint Motion at 3.

² "FDR" means "the quantity of water, exclusive of effective rainfall, that must be delivered to the farm headgate to satisfy the CIR of crops grown on the farm in a specific period of time. It may be calculated numerically by dividing the CIR by the on-farm irrigation efficiency." Joint Motion at 3.

³ "PDR" means "the quantity of water, exclusive of effective rainfall, that must be diverted from an off-farm source of water to satisfy the FDR and any adjudicated livestock or domestic uses in a specific period of time. It may be calculated numerically by dividing the FDR and any adjudicated livestock or domestic uses by the off-farm conveyance efficiency. Joint Motion at 3.

The Special Master's Report

After summarizing the Joint Motion and its procedural history, the Special Master addressed the two responses opposing the Joint Motion. In addressing the Response to the Joint Motion filed by Alfred Trujillo, the Special Master stated:

Mr. Trujillo is concerned that upstream, junior appropriators will, with the increased irrigation amounts, divert more of the water that would otherwise be available to the Arroyo Hondo acequias. His arguments focus on his interpretation of the historical basis of the priority dates and acreages so far adjudicated for the Arroyo Hondo acequias and other acequias in the Taos Stream System, and resemble those he raised previously in his objections to the Taos Settlement Agreement. Those objections were overruled by the Court in its July 30, 2015, Memorandum Opinion and Order (No. 5958). I note that Mr. Trujillo's objections regarding priorities and acreages of other acequias may be appropriate to raise in future *inter se* proceedings for non-Pueblo rights.

Special Master's Report at 5. The Special Master found that Mr. Trujillo's objections are without merit in the context of the Joint Motion and recommended that the Court overrule his objections.

In addressing the Response to the Joint Motion filed by the Estate of Jose Manuel Santistevan, Paul Horvath, Holly Difani, and Tarleton Ranch, LLC (collectively, "the Estate"), the Special Master stated:

The Estate objects to the irrigation water requirements because when other water users' rights are increased, less water will be available to The Estate. The Estate's real quarrel is with the acequia commissioners for the Acequia Madre del Rio Lucero del Arroyo Seco, who have characterized the Estate's rights as *sobrante* rights (rights fulfilled only after other water rights are satisfied). The Estate has raised this issue previously, and the Court has ruled that the *sobrante* rights issue is one which may be properly raised in the future non-Pueblo *inter se* phase of this adjudication.

Special Master's Report at 5-6. The Special Master found that the Estate's objections are without merit in the context of the Joint Motion and recommended that the Court overrule the Estate's objections.

Having found that the objections to the Joint Motion are without merit, the Special Master recommended that “the Court grant the Joint Motion to Adopt Uniform Irrigation Requirements and adopt the proposed irrigation requirements for all parties in this adjudication.” Special Master’s Report at 1, 7.

Objections to the Special Master’s Report

The only objections to the Special Master’s Report were filed by the Estate. *See* Objections, Doc. 5983; Errata to Doc. 5983, Doc. 5984. The two objections by the Estate relate to the classification of the Estate water rights as *sobrante* rights. *See* Objections at 2. The Estate Defendants contend that the Acequia Madre del Rio Lucero y del Arroyo Seco and its Ditch Commissioners have classified the Estate Defendants’ water rights as *sobrante* rights, which means that the Estate Defendants are only entitled to water after the other rights have had their full delivery of water. *See* Estate’s Response to Joint Motion at 1-4, Doc. 5966.

The Estate’s first objection is that the Special Master “sustained” the State’s position that the Estate’s *inter se* objections were premature. *See* Objections at 2. The Estate asserts that its objection to the increased duty of water and its *inter se* objection regarding *sobrante* rights “are intertwined and properly raised” at this time, because “the increased duty of water [requested by the Joint Motion] will have the effect of reducing the amount of water available to” the Estate. Estate’s Response to Joint Motion at 5-6, Doc. 5983.

The Estate’s second objection is that the classification of water rights as *sobrante* rights has no place in New Mexico law. *See* Objections at 2-3, 6. The Estate asserts:

the increase in the duty of water [as requested in the Joint Motion] would have the effect of reducing the amount of water available to [the Estate] by reason of the classification of their water rights as *sobrante* rights, with the result that they would only get water when all other rights were satisfied.

Because there is no known law defining *sobrante*, or governing the distribution of water to *sobrante* right owners, or even recognizing that such water rights exist as a matter of law, the prior appropriation system is subverted by the proposed increase. Distribution of water to [the Estate] is governed only by the arbitrary determination of acequia officials, and not merely in times of water shortage, which is the contemplation of the prior appropriation system.

Objections at 1-2, 6. The Estate asks the Court to either reject the increased duty of water requested in the Joint Motion or reject the concept of *sobrante* water rights. *See* Objections at 9.

The Court will overrule the Estate's Objections. The Estate does not object to the quantities of water that must be diverted and delivered to the farm headgates to satisfy the irrigation requirements of the crops grown on the farms. *See* Estate's Response to Joint Motion at 2. The Estate's Objections arise solely from the classification, by the commissioners of the Acequia Madre del Rio Lucero y del Arroyo Seco, that the Estate's water rights are *sobrante* water rights. *See* Estate's Response to Joint Motion at 2. The Estate agrees that "[t]he Special Master is correct in her definition of the issue," Objections at 3-4, that "when other user's water rights are increased less water will be available to the Estate and that the Estate's real quarrel is with the acequia commissioners who have characterized the Estate's rights as *sobrante* rights (rights fulfilled only after other water rights are satisfied)," Special Master's Report at 5. The Estate contends the Special Master's "error lies in the resolution she proposes, postponing [resolution of the *sobrante* issue] until the 'future non-pueblo inter se phase' of this case." Objections at 4. The Special Master had previously ruled that the *sobrante* rights issue can be raised in the future *inter se* phase of the adjudication. *See* Doc. 5887. The Estate has not shown that the Special Master abused her discretion in deferring determination of the *sobrante* rights issue to the future *inter se* phase of the adjudication. *See* Fed. R. Civ. P. 53(f)(5)(the court may set aside a master's ruling on a procedural matter only for an abuse of discretion).

Motion to Clarify

Three weeks after the Special Master filed her Report, the State filed a motion asking the Court to adopt the Special Master's Report "with the clarification below concerning the 'uniform irrigation requirements' language to be included in subfile orders adjudicating non-Pueblo irrigation water rights."

The Special Master's Report recommended that the Court adopt the uniform irrigation requirements for all surface water rights in the Rio Pueblo de Taos and Rio Hondo stream system with the Consumptive Irrigation Requirement (CIR), the Farm Delivery Requirement (FDR) and the Project Diversion Requirement (PDR) set forth in the Taos Settlement Agreement. The Special Master's Report also recommended that the Court:

Amend all previously entered subfile orders adjudicating non-Pueblo irrigation water rights in the Rio Pueblo de Taos and Rio Hondo stream systems by substituting the existing language of "Not to exceed 2.5 acre-feet per annum delivered at the farm headgate" with *the CIR, FDR and PDR values set forth above*.

Special Master's Report at 6 (*emphasis added*). The Special Master's Report does not include the language for "*the CIR, FDR and PDR values set forth above*" which is to be added to the subfile orders. The State requests that the Court's order adopting the Special Master's Report clarify that language describing the uniform irrigation requirements should read as follows when applied to individual subfile orders:

Amount of Water:

- a. A Consumptive Irrigation Requirement ("CIR") of one and thirty-eight hundredths (1.38) acre-feet per year per acre;
- b. A Farm Delivery Requirement ("FDR") of two and seventy-six hundredths (2.76) acre-feet per year per acre (i.e., a 50% on-farm efficiency); and

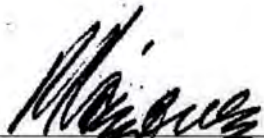
- c. A Project Diversion Requirement ("PDR") of three and ninety-four hundredths (3.94) acre-feet per year per acre (i.e., a 70% ditch efficiency), unless a different efficiency can be shown for a specific ditch on a case-by-case basis.

For all water rights involving surface water delivered from a ditch, the amount of water shall not exceed 3.94 acre-feet per year per acre diverted by the ditch from the surface source, or 2.76 acre-feet per year per acre delivered to the farm headgate, or a beneficial consumptive use of 1.38 acre-feet per year per acre.

Motion to Clarify at 2. No responses opposing the Motion to Clarify have been filed. The Court will grant the State's Motion to Clarify.

IT IS ORDERED that:

- (i) the Objections By the Estate of Jose Manuel Santistevan ("the Estate"), Paul Horvath, Holly Difani and Tarleton Ranches LLC, to the Special Master's Report and Recommendations Regarding Joint Motion to Adopt Uniform Irrigation Requirements, Doc. 5984, are **OVERRULED**;
- (ii) the Special Master's Report and Recommendations Regarding Joint Motion to Adopt Uniform Irrigation Requirements, Doc. 5981, is **ADOPTED**;
- (iii) the Joint Motion to Adopt Uniform Irrigation Requirements, Doc. 5960, is **GRANTED**; and
- (iv) the State's Motion to Clarify Language Concerning Uniform Irrigation Requirements in Order Adopting Special Master's Report and Recommendations, Doc. 5982, is **GRANTED**.



MARTHA YAZQUEZ
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICOSTATE OF NEW MEXICO, *ex rel.* State Engineer,
Plaintiff,69cv07896-BB
RIO TAOS ADJUDICATION

- v -

EDUARDO ABEYTA, *et al.* &
CELSO ARELLANO, *et al.*,
Defendants.69cv07939-BB
RIO HONDO ADJUDICATION
ConsolidatedSection: Rio Pueblo de Taos
Ditch: Acequia Madre del Rio Lucero del Arroyo SecoORDER APPLYING PRIORITY DATE FOR ACEQUIA MADRE DEL
RIO LUCERO DEL ARROYO SECO TO INDIVIDUAL SUBFILES

In the May 13, 2002 Memorandum Opinion and Order (Docket No. 3026), the Court clarified procedures for determining subfile priority dates and stated that acequia-wide priority dates are to be applied to the water rights they serve. Each claimant has had an opportunity to prove an earlier priority date during the subfile phase and objectors will have the opportunity to prove later priority dates during the *inter se* phase. (No. 3026) On November 18, 2005, the Court entered a Memorandum Opinion and Order (No. 4701) that adopted a priority date of 1815 for the Acequia Madre del Rio Lucero del Arroyo Seco.

This Order applies the priority date adopted for the Acequia Madre del Rio Lucero del Arroyo Seco to each subfile irrigation water right it serves. The acequia-wide priority date does not apply to supplemental irrigation wells or springs, nor does it apply to individual subfile water rights previously denied by the Court. All water right claims denied have a priority date of "None." Subfile priority dates are listed in Exhibit A attached to this Order.

It is therefore ordered that the 1815 priority date adopted for Acequia Madre del Rio Lucero del Arroyo Seco is applied to individual subfile water rights as set forth in Exhibit A.

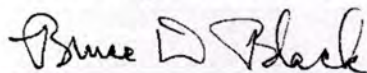
BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

EXHIBIT A
ACEQUIA MADRE DEL RIO LUCERO DEL ARROYO SECO

Individual Subfile Priority Dates	
Subfile Number	Priority Date
1.15	1815
1.15A	1815
1.15B	1815
1.15C	1815
1.16	1815
1.17	1815
1.18	1815
1.19	1815
1.20	1815
1.21	1815
1.22	1815
1.23	1815
1.24	1815
1.25	1815
1.26	1815
1.27	1815
1.28	1815
1.29	1815
1.30	1815
1.31	1815
1.32	1815
1.33	1815
1.34	1815
1.35	1815
1.36	1815
1.37	1815
1.38	1815
1.38A	1815
1.38B	1815
1.38C	1815
1.38D	1815
1.39	1815
1.39A	1815
1.39B	1815
1.40	1815
1.41	1815
1.41A	1815
1.42	1815
1.43	1815

Individual Subfile Priority Dates	
Subfile Number	Priority Date
2.1	1815
2.10	1815
2.11	1815
2.12	1815
2.13	1815
2.14	1815
2.14A	1815
2.15	1815
2.16	1815
2.17	1815
2.18	1815
2.19	1815
2.2	1815
2.20	1815
2.20A	1815
2.21	1815
2.22	1815
2.22A	1815
2.23	1815
2.23A	1815
2.24	1815
2.25	1815
2.26	1815
2.27	1815
2.27A	1815
2.28	1815
2.29	1815
2.29A	1815
2.29B	1815
2.2A	1815
2.3	1815
2.30	1815
2.30A	1815
2.30B	1815
2.31	1815
2.32	1815
2.32A	1815
2.32B	1815
2.5	1815

Subject
Water
Right



Individual Subfile Priority Dates	
Subfile Number	Priority Date
2.51	1815
2.6	1815
2.6A	1815
2.7	1815
2.8	1815
2.9	1815
3.10	1815
3.11	1815
3.12	1815
3.2	1815
3.3	1815
3.4	1815
3.5	1815
3.6	1815
3.7	1815
3.8	1815
3.8A	1815
3.8B	1815
3.8C	1815
3.9	1815

File Number: 01749-A, Subfile 3.11
 Acequia Madre del Rio Lucero del Arroyo Seco

NEW MEXICO STATE ENGINEER OFFICE
 CHANGE OF OWNERSHIP OF WATER RIGHT

1. OWNER OF RECORD

Name: Ann Crombie (See Section 7 below)
 Contact: _____ Work Phone: _____
 Address: P.O. Box 286 Home Phone: _____
 City: Arroyo Seco State: NM Zip: 87514

NEW OWNER

Name: James Yates, a married man dealing with his sole and separate property
 Contact: Larry Van Eaton-Attorney at Law Work Phone: (505) 758-4279
 Address: HCR 74 Box 22602 Home Phone: _____
 City: El Prado State: NM Zip: 87529

2. AMOUNT CONVEYED

(Acequia Madre del Rio Lucero del Arroyo Seco)

State Engineer File Number: 01749-A
 Subfile Number 3.11 of Cause Number 7896 and 7939 Consolidated.
 Owner of record has conveyed part of said right.
 (all or part)*

Consumptive Use: _____ acre-feet per annum
 Diversion Amount: 2.75 acre-feet per annum (1.10 acres X 2.5 acre feet)
 Other: _____ (units)

3. PURPOSE OF USE

Domestic: _____ Livestock: _____ Irrigation: ~~XXX~~ Municipal: _____ Industrial: _____
 Commercial: _____ Other (specify): _____
 Specific use: _____

4. PLACE OF USE

_____ acres of land described as follows: **See enclosed Warranty Deed.**

Subdivision of Section (District or Hydrographic Survey)	Section (Map No.)	Township (Tract No.)	Range	Acres	Priority
Rio Pueblo de Taos Hydrographic Survey	Sheet 3	Tract 11		1.10	1747
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

(Acequia Madre del Rio Lucero del Arroyo Seco)

File Number: 01749-A, Subfile 3.11

Trn Number: 690460

2004 DEC 17 AM 11:01
 2005 FEB 16 PM 4:58

OFFICE OF STATE ENGINEER
 SANTA FE, NEW MEXICO

OFFICE OF STATE ENGINEER
 SANTA FE, NEW MEXICO

NEW MEXICO STATE ENGINEER OFFICE
CHANGE OF OWNERSHIP OF WATER RIGHT

5. WELLS TO ACCOMPANY CONVEYED RIGHT

Well File No.	Subdivision	Section	Township	Range
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

6. CONSENT TO LAWFUL CHANGE IN PLACE AND/OR PURPOSE OF USE

I, the above owner of record, hereby consent to a lawful change in the place and/or purpose of use of the above-described water right: (To be completed only if it is an irrigation water right and has been conveyed separate from the land to which it was appurtenant.)

7. ADDITIONAL STATEMENTS OR EXPLANATIONS:

A copy of the recorded Warranty Deed for the current sale from the owner of record (Crombie) to the new owner (Yates) is enclosed.

ACKNOWLEDGMENT FOR NATURAL PERSONS

I, James Yates affirm that the foregoing statements are true to
(Please Print)
the best of my knowledge and belief.



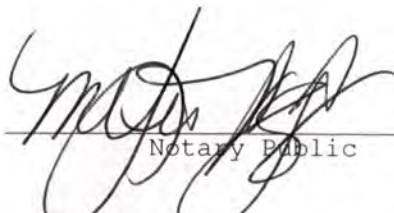
Signature

Signature

NOTARY

This instrument was acknowledged before me this 10th day of December,
A.D., 2004, By James Yates, a married man dealing with his sole and separate
property.

My commission expires _____



Notary Public



OFFICIAL SEAL
MELINDA H. FERNANDEZ
NOTARY PUBLIC-STATE OF NEW MEXICO
My commission expires: 3/15/07

Acequia Madre del Rio Lucero del Arroyo Seco)

File Number: 01749-A, Subfile 3.11

Trn Number: 690460

WARRANTY DEED

ANN CROMBIE, a single person, for consideration paid, grants to JAMES YATES, a married man dealing with his sole and separate property, whose address is HCR 74 Box 22602, El Prado, New Mexico 87529, the following described real estate in Taos County, New Mexico:

A certain tract of land near Arroyo Seco, Taos County, New Mexico, with the Antonio Martinez or Godoi Grant; and located within the Northeast $\frac{1}{4}$ of Projected Section 6, Township 26 North, Range 13 East, New Mexico Principal Meridian; described as part of Tract 63, Map 42, Survey 4 of the 1941 Taos County Reassessment Survey; and more particularly described by metes and bounds as follows:

BEGINNING at a $\frac{1}{2}$ inch rebar set for the Southeast corner of this tract, from whence Triangulation Station "Antonio", a 1973 State Engineer Office brass cap monument found, bears N $81^{\circ} 47'$ E, 5515.8 feet distant, thence;

S $75^{\circ} 13'$ W, 163.8 feet to a point, thence;

S $76^{\circ} 09'$ W, 58.9 feet to a $\frac{1}{2}$ inch rebar set for the Southwest corner, thence;

N $14^{\circ} 29'$ W, 63.8 feet to a $\frac{1}{2}$ inch rebar set, thence;

N $10^{\circ} 03'$ W, 147.8 feet to a $\frac{1}{2}$ inch rebar set for the Northwest corner, thence;

N $70^{\circ} 37'$ E, 117.1 feet to a $\frac{1}{2}$ inch rebar set, thence;

N $67^{\circ} 54'$ E, 111.3 feet to a $\frac{1}{2}$ inch rebar set for the Northeast corner, thence;

S $10^{\circ} 40'$ E, 236.2 feet to the POINT AND PLACE OF BEGINNING.

This tract contains 1.152 acres, more or less. Together with any appurtenant water rights.

SUBJECT TO:

1. Reservations, restrictions and easements, if any, as contained in patent from the UNITED STATES OF AMERICA to the ANTONIO MARTINEZ or LUCERO DE GODOI GRANT, including but not limited to, water rights, claims of title to water, any easements appurtenant thereto, and all interest in oil, gas and other minerals, if any, recorded in Book A-16, Page 68-97, records of Taos County, New Mexico.

2. Driveway through property and to others as shown on Survey Plat entitled "Ann Crombie" by Joel K. Schantz, NMLS #700B dated April 4, 1985, having Survey # R2921 filed in Cabinet C, Page 63-A, records of Taos County, New Mexico and as shown on Improvement Location Report entitled "Ann Crombie", by Craig T. Gillio, NMLS #14833, dated December 8, 2004, having Project #204-278.

3. Power pole and overhead power line as shown on Survey Plat entitled "Ann Crombie" by Joel K. Schantz, NMLS #700B dated April 4, 1985, having Survey # R2921, filed in Cabinet C, Page 63-A, records of Taos County, New Mexico and as shown on Improvement Location Report entitled "Ann Crombie", by Craig T. Gillio, NMLS #14833, dated December 8, 2004, having Project #204-278.

with warranty covenants.

WITNESS my hand and seal this 10th day of December, 2004.

Ann Crombie
ANN CROMBIE

ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY

STATE OF New Mexico)
COUNTY OF Taos) ss.

This instrument was acknowledged before me on December 10th, 2004 by ANN CROMBIE, a single woman.

Melinda H. Fernandez
Notary Public

My Commission Expires:



OFFICIAL SEAL
MELINDA H. FERNANDEZ
NOTARY PUBLIC-STATE OF NEW MEXICO
COMMISSION EXPIRES: 2/13/06



STATE OF NEW MEXICO

OFFICE OF THE STATE ENGINEER

Santa Fe

March 25, 2005

John R. D'Antonio Jr., P.E.
State Engineer

BATAAN MEMORIAL BUILDING, ROOM 102
SANTA FE, NEW MEXICO 87504-5102
(505) 827-6120
FAX: (505) 827-6682

James Yates
HCR 74 Box 22602
El Prado, NM 87529

Re: File No. 01749-A (part sub-file 3.11)—Acequia Madre del Rio Lucero del Arroyo Seco
Rio Lucero, Rio Grande

Greetings:

The Change of Ownership of Water Right that you submitted to the Office of the State Engineer has been accepted for filing in accordance with Section 72-1-2.1, NMSA 1978 (1996 Supplement). The acceptance by the State Engineer does not constitute validation of the right claimed.

Enclosed is an original of the document. According to Section 72-1-2.1, NMSA 1978 (1996 Supplement), you must record this Change of Ownership with the clerk of the county in which the water right is located. The filing shall be public notice of the existence and content of the instrument so recorded.

Feel free to contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerri Sandoval".

Kerri Sandoval
Water Rights Division

Encl
c: File

OFFICE OF THE STATE ENGINEER/INTERSTATE STREAM COMMISSION – SANTA FE OFFICE

OFFICIAL RECEIPT NUMBER: **6-23145** DATE: Dec 27 2004 FILE NO.: 01749-A
 TOTAL: 400 RECEIVED: from Santa Fe DOLLARS CHECK NO.: 176122252 CASH:
 PAYOR: Land America ADDRESS: 1000 Title Pkwy 322 CITY: Taos STATE: NM
 ZIP: 87571 RECEIVED BY: [Signature] Wachovia Bank, N/A Oakton, VA 22124

INSTRUCTIONS: Indicate the number of actions to the left of the appropriate type of filing. Complete the receipt information. **Original** to payor; **pink** copy to ASD; **yellow** copy to Water Rights, Santa Fe Office, and **goldenrod** copy for district file. If you make a mistake, void original and all copies and submit to ASD along with valid receipts.

A. Ground Water Rights Filing Fees

- | | |
|---|----------|
| 1. Declaration of Water Right | \$ 1.00 |
| 2. Application to Appropriate; Domestic, Stock, Other Use | \$ 5.00 |
| 3. Application for Test, Exploratory, or Observation Well | \$ 5.00 |
| 4. Application to Change Location | \$ 5.00 |
| 5. Domestic Well | \$ 5.00 |
| 6. Application to Repair or Deepen | \$ 5.00 |
| 7. Change of Ownership of Water Right | \$ 2.00 |
| 8. Application to Appropriate Irrig., Mun., Ind., or Comm. Use | \$ 25.00 |
| 9. Application to Combine Wells and/or Use | \$ 25.00 |
| 10. Application for Supplemental Well | \$ 25.00 |
| 11. Application to Change Location of Non-72-12-1 Well | \$ 25.00 |
| 12. Application to Change Place or Purpose of Use | \$ 25.00 |
| 13. Application to Change Location of Well and Place and/or Purpose of Use | \$ 50.00 |
| 14. Application for Extension of Time Certificate and License | \$ 25.00 |
| 15. Application for Plan of Replacement | \$ 25.00 |
| 16. Application to Change Point of Diversion and Place and/or Purpose of Use from Surface Water to Ground Water | \$ 50.00 |

B. Surface Water Rights Filing Fees

- | | |
|---|----------|
| 1. Declaration of Water Right | \$ 1.00 |
| 2. Declaration of Livestock Dam | \$ 1.00 |
| 3. Application to Change Point of Diversion | \$ 25.00 |
| 4. Application to Change Place and/or Purpose of Use | \$ 50.00 |
| 5. Application to Change Point of Diversion and Place and/or Purpose of Use | \$ 50.00 |
| 6. Change of Ownership of Water Right | \$ 2.00 |
| 7. Application to Appropriate | \$ 25.00 |
| 8. Application for Extension of Time Certificate of Construction | \$ 25.00 |
| 9. License to Appropriate | \$ 25.00 |
| 10. Application to Enlarge or Amend | \$ 25.00 |
| 11. Application to Change Point of Diversion and Place and/or Purpose of Use from Ground Water to Surface Water | \$ 50.00 |
| 12. Notice of Intent to Appropriate | \$ 25.00 |

C. Miscellaneous Fees

- | | |
|--|---------|
| 1. Application to Construct Flood Control Dam/Review of Plans for Safety of Dams (\$10.00 + \$2.00 /\$1000.00 of estimated construction cost). | (VAR) |
| 2. Application for Well Driller's License | \$50.00 |
| 3. Application for Renewal of Well Driller's License | \$20.00 |
| 4. Application to Amend Well Driller's License | \$ 5.00 |

D. Reproduction of Documents

- | | |
|--|----|
| .20¢/copy | \$ |
| \$3.00/map | \$ |
| E. Certification | \$ |
| F. Other (Specify-not for filing fees) | \$ |

Comments:

2 of 0's
for
James Vates
HCO 74 Box 2060
El Prado, NM
89529
Contract:
Barry Van Eaton
ATTY